

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DANIEL SHERLOCK,

Defendant.

No. 17-cr-597 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On June 25, 2020, the Second Circuit remanded this case to the Court so that it may “clarify the basis for imposing the \$5,000 special assessment” on Defendant under the Justice for Victims of Trafficking Act, 18 U.S.C. § 3014(a). (Doc. No. 108 at 1.) In particular, the Second Circuit directed the Court to “make specific findings regarding the [D]efendant’s indigence” and, if the Court determines that Defendant is in fact indigent, to “vacate the judgment only insofar as it contains the \$5,000 special assessment.” (*Id.*)


IT IS HEREBY ORDERED THAT Defendant’s resentencing is scheduled for August 25, 2020 at 11:00 a.m., with August 26, 2020 at 11:00 a.m. to be used as an alternative date in case of any scheduling difficulties. In light of the current COVID-19 pandemic, remote proceedings are authorized in certain instances with the consent of the defendant. Defendant has advised the Court that, due to the outbreak, he wishes for his resentencing to be conducted remotely. (Doc. No. 115.) Accordingly, IT IS FURTHER ORDERED THAT the resentencing shall take place remotely, either by videoconference or, if videoconference is not reasonably available, by telephone. A separate order will issue in due course with the details for accessing that conference. IT IS FURTHER ORDERED THAT no later than 5:00 p.m. on August 7, 2020, the parties must jointly

email to the Court a list of persons who anticipate speaking during the conference, including counsel and Defendant.

IT IS FURTHER ORDERED THAT to confirm that Defendant consents to proceed remotely, Defendant's counsel shall discuss the attached consent form with Defendant. If Defendant is able to sign the form (either personally or by Defendant's counsel), Defendant's counsel shall provide the Court with the executed form at least 24 hours prior to the scheduled proceeding. In the event that Defendant consents, but counsel is unable to obtain or affix Defendant's signature on the form, the Court will conduct an inquiry on the record at the outset of the proceeding to confirm Defendant's consent and whether it is appropriate for the Court to add Defendant's signature to the form.

SO ORDERED.

Dated: August 4, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

DANIEL SHERLOCK,

Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

17-CR-597 (RJS)

Check Proceeding that Applies

_____ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

_____ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to

be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: